

REMARKS

Claims 1, 6, 8-11, 16, and 21-24 have been amended. Support may be found in the sentence bridging pages 2 and 3, on page 3, lines 19-20 and in the paragraph bridging pages 6 and 7 of the specification. No new matter has been added. Entry is requested.

Claims 1-24 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. The examiner urges that the claimed subject matter is not described in the specification in a manner that would enable the skilled artisan to make and/or use the invention. The examiner urges that only tradenames are used in the specification to describe the neutralizing material. The examiner urges that “[o]ne of ordinary skill in the art, who is unable to order from Quest, would be unable to practice applicants’ invention.

Applicants disagree with the examiner characterization of the specification. “Quest Fragrance Q-29071” and “Quest Fragrance Q-29071” are not tradenames and are not used as tradenames either in the specification or in the claims. This designation, while designating the source of the goods also identifies the goods themselves. Anyone desiring to make a malodor neutralized hot melt adhesive can obtain the neutralizing material from Quest. The number is a specific compositional formulation and is not subject to change as a tradename would be. Applicants have identified compounds that can be added to a hot melt to neutralize the malodor thereof, and a commercial source of such compounds. It is not clear to applicant why one of ordinary skill in the art would be unable to order from Quest and hence not able to practice the invention, as urged by the examiner.

Claim 21 is rejected under 35 U.S.C. § 112, first paragraph. It is the examiner's position that while the specification is enabling for reducing or counteracting the malodor of a hot melt adhesive and their ingredients, the specification does not enable the skilled artisan to make or use the invention commensurate in scope with the claim. Applicants submit that the foregoing amendment obviates this rejection.

Claims 4-6, 8-20 and 24 are rejected 35 U.S.C. § 112, second paragraph, as being indefinite. Applicants submit that the foregoing amendment obviates this rejection of claims 6, 9-20 and 8 under this section. With respect to claims 4, 5, 14, 15 and 24, in which the examiner urges that use of tradenames in claims render the claims indefinite. Applicants disagree. As already discussed, "Quest Fragrance Q-29071" and "Quest Fragrance Q-29071" are not tradenames and are not used as tradenames either in the specification or in the claims. This designation, while designating the source of the goods also identifies the goods themselves. This is much the same as the recitation of, e.g., "ATCC No. 12345," which is used to designate the depository and identification number of the goods. Withdrawal is requested.

Claims 1-3 and 21-23 are rejected 35 U.S.C. § 102 (b) as being anticipated by Tokyo Horaisha Co. Ltd. and Work Station KK JP-02-036803. The examiner urges that this document discloses a deodorant particle mixed with a paste such as a hot melt adhesive and as disclosing that the solids have flashpoints of greater than 200°F. Applicant disagrees.

The cited Japanese document discloses microparticles containing a silica compound or a metal alkoxide and a deodorant. The deodorant appears to be encapsulated by the silica or metal compound. These microparticles may be carried e.g.,

in a hot melt adhesive and used to mark a garment, e.g., underwear, thereby imparting a deodorizing effect to the underwear even after washing. Applicant's claims are not directed to a hot melt adhesive comprising a deodorant (i.e., an odor masking agent), but to a hot melt adhesive comprising an odor neutralizing material, which neutralizes the odor of the hot melt adhesive, not the substrate to which it is applied. Applicants can find no disclosure that the deodorant as a closed cup flashpoint of greater than 200°F, as urged by the examiner. JP-02-036803 does not disclose applicant's claimed invention and, as such, fails to anticipate the claimed invention.


Claims 1-3, 6-8 and 21-23 are rejected 35 U.S.C. § 102 (b) as being anticipated by Tokyo Horaisha Co. Ltd. and Work Station KK JP-02-036803 in view of Ardemagni (U.S. 4,072,735). The Ardemagni secondary reference is cited as teaching a pressure sensitive composition based on EP rubber and terpene or hydrocarbon tackifier. The examiner urges that EP based hot melt adhesives have low application temperatures. The examiner urges that it would have been obvious to add the deodorant of the primary reference to the composition of Ardemagni since it is used for women's sanitary napkins and it is a typical hot melt adhesive formulation. Applicant disagrees.

The claimed invention is directed to a hot melt adhesive comprising an odor neutralizing material, which does not mask but neutralizes the odor of the hot melt adhesive. There is no disclosure in the Ardemagni secondary reference suggesting that any composition can be used to neutralize the odor of a hot melt adhesive. Neither of the primary or secondary reference even acknowledges that hot melt adhesive have a malodor, let alone suggest how the malodor can be neutralized. The examiner assertion that EP (ethylene-propylene) based hot melt adhesives have low application

temperatures is unsubstantiated and without merit. There is nothing in the reference itself and there is no supporting documentation to support the examiner's opinion. This document teaches conventional application temperatures of 350°F (see col. 1, lines 33-34). Applicant submits that the claimed invention is not obvious over the combined teachings of JP-02-036803 and Ardemagni. Withdrawal is requested.

Favorable and early action solicited.

Respectfully submitted,

  
Cynthia L. Foulke  
Reg. No. 32,364

September 21, 2005

National Starch and Chemical Company  
10 Finderne Avenue  
Bridgewater, New Jersey 08807-0500  
(908) 685-7483